

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:05CV67-3-MU**

VINCENT BRADFORD EARL,)
)
 Petitioner,)
)
 v.)
)
 THEODIS BECK,)
)
 Respondent.)
 _____)

ORDER

THIS MATTER is before the Court upon Petitioner’s “Motion of Mandamus” (Document Number 13). For the reasons stated herein Petitioner’s motion is denied.

Petitioner filed a Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254 on May 18, 2005. Respondent filed an Answer and Motion for Summary Judgment on May 6, 2005. Petitioner filed a Motion to Amend on May 11, 2005, and a response to Respondent’s Motion for Summary Judgment on July 8, 2005.

First, Petitioner states that his Motion for Mandamus is filed pursuant to 28 U.S.C. §§ 351-364. The Court notes that the above cited sections of the United States Code govern complaints against Judges. If Petitioner, by the instant motion, meant to file a complaint against the undersigned, such motion must be filed in the Court of Appeals pursuant to 28 U.S.C. § 351.

Despite Petitioner’s citation to 28 U.S.C. §§ 351- 364, it appears from Petitioner’s Motion that he is asking this Court to rule on his Petition for Habeas Corpus expeditiously. Petitioner’s Petition was filed on March 18, 2005 but did not become fully briefed until July 8, 2005. Since that

time, this Court has granted Petitioner's Motion to Amend. Although, the Court can appreciate that Petitioner is anxious for a decision in his case, Petitioner's case is one of many which are currently pending before the Court and Petitioner's case is not the oldest. Consequently, there are many other cases which also require the Court's attention. The Court will advise all parties when a decision is reached in this case. Further, should any additional information be needed from Petitioner or the government's attorney, the Court will advise of that matter. Petitioner is advised that unless the Court specifically asks for additional information, he should not file any further motions.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Petitioner's "Motion of Mandamus" is Denied. (Document Number 13.)

SO ORDERED.

Signed: January 22, 2007

A handwritten signature in black ink, appearing to read "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

